**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 479 of 2007 (M/B)**

1. Dilshad S/o Zafarrula,
   R/o Village Bedpur,
   Police Station Bhagwanpur, Tehsil Roorkee,
   District Haridwar.
2. Naseem S/o Akhtar,
   R/o Ambetashekh,
   Police Station Devband.
3. Munam S/o Zafarulla
   R/o Village Bedpur,
   Police Stattion Bhagwanpur
   District Haridwar.
4. Banna S/o Shabban.
5. Ayyaz S/o Ahasan.
   Both R/o Village Bedpur,
   Police Station Bhagwanpur,
   District Haridwar.
6. Zabir S/o Zamil.
7. Naushad S/o Zamil.
   Both R/o Piran Kaliyar,
   Police Station Kotwali Roorkee,
   District Haridwar. ….. Petitioners

**Versus**

1. State of Uttarakhand,
   Through Senior Superintendent of Police,
   Haridwar, District Haridwar.
2. Station Officer,
   Police Station Pathri,
   District Haridwar.
3. Abdul Wali S/o Dalmir Khan,
   R/o Village Chandpur,
   Police Station Pathri,
   District Haridwar. ….. Respondents

Mr. Manish Arora, Advocate for the petitioners.
Mr. Prabhakar Joshi, Brief Holder for respondents Nos. 1 & 2.

**JUDGMENT**

**Coram: Hon'ble Rajeev Gupta, C.J.**
**Hon'ble J.C.S. Rawat, J.**

**RAJEEV GUPTA, C. J. (Oral)**

Mr. Manish Arora, Advocate for the petitioners.

Mr. Prabhakar Joshi, Brief Holder for respondents Nos. 1 & 2.

They are heard on admission.

2. Police Case Diary perused.

3. The petitioners have filed this writ petition for the following reliefs:

> "(a) issue a writ, order of direction in the nature of certiorari as to quash the FIR of case crime no. 47 of 2007 U/s 364, 452, 147, 148, 323, of IPC, Police Station Pathri, District Haridwar (contained as Annexure No.1 to this writ petition).
>
> (b) issue a writ, order or direction in the nature of mandamus commanding the respondent No. 1 & 2 to not to harass and arrest the petitioner in view of the impugned FIR till the collection of any credible evidence against the petitioners till the submitting the report U/s 173 of CrPC.
>
> (C) a suitable writ, order of direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.
>
> (d) award the cost of the petition to the petitioners."

4. The petitioners are seeking quashing of the First Information Report lodged by respondent No. 3 Abdul Wali against the accused person, including the petitioners for the alleged commission of the offences punishable under Sections 147/148, 323, 364 and 452 of the I.P.C. relating to the alleged abduction of his married daughter Smt. Sayara @ Sara Khatoon on 11.042007.

5. On due consideration of the submissions of the learned counsel for the parties; the contents of the First Information Report; and the material collected by the Police during the course of investigation including the statement of abducted woman Smt. Sayara @ Sara Khatoon, we do not find any good ground warranting quashing of the First Information Report and the case registered against the petitioners in view of the dictum of the Apex Court I n the case of **T. Vengama Naidu Vs. T. Dora Swamy Naidu & others** reported in **JT 2007 (4) SC 240.**

6. We are refraining from commenting on the merits of the case lest it may adversely affect the petitioners' case at the trial, which the petitioners are yet to face.

7. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

**(J.C.S. Rawat, J.)** **(Rajeev Gupta, C. J.)**
07.05.2007 07.05.2007

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